IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No 7727 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RAHULGIRI JAYANTIGIRI GONSAI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 7727 of 2003

MR MM TIRMIZI for Petitioner No. 1-3

MS. MITA PANCHAL APP for Respondent No. 1

MR MB GOHIL for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 08/07/2004

ORAL JUDGEMENT

Ms. M.M. Tirmizi, learned advocate of the petitioners,

seeks leave to withdraw the petition reserving liberty to raise all the contentions which the petitioners have raised in this petition before the learned Chief Judicial Magistrate, Bhavnagar in whose Court Criminal Case No.3224 of 2003 is awaited for trial. Ms. Mita Panchal, learned APP for respondent No.1 - State and Mr. MB Gohil, learned advocate of respondent No.2 have no objection if leave to withdraw the petition reserving liberty as prayed for is granted. Hence, leave to withdraw the petition is granted. Rule is discharged. Interim relief granted earlier shall stand vacated. It would be open to the petitioners to raise all the contentions which they have raised in this petition before the learned Chief Judicial Magistrate, Bhavnagar, in whose court Criminal Case No.3224 of 2003 is awaited for trial. If such contentions are raised, the learned Chief Judicial Magistrate shall dealt with them in accordance with law.

(A.M. Kapadia, J.)

(karan)